

# **EXHIBIT 1**

CAPANA SWISS ADVISORS AG vs RYMARK  
MARTIN FASSER HEEG - 11/26/2024

Page 1

1 UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF UTAH  
3  
4 CAPANA SWISS ADVISORS ) **CERTIFIED COPY**  
5 AG, a Swiss corporation; )  
6 AMERIMARK AUTOMOTIVE AG, )  
7 a Swiss corporation; )  
8 Plaintiffs, ) Case No. 2:23-cv-0046-TS-CMR  
9 vs. ) Judge Ted Stewart  
0 RYMARK, INC., a Utah ) Magistrate Judge:  
1 corporation; NICHOLAS ) Cecilia M. Romero  
2 THAYNE MARKOSIAN, an )  
3 individual; JOHN )  
4 KIRKLAND, an individual; )  
5 and VICKKY SMALL, an )  
6 individual, )  
7 Defendants. )  
8  
9

**CERTIFIED COPY**

15 DEPOSITION OF  
16 MARTIN FASSER HEEG  
17 KUNZLER BEAN & ADAMSON  
18 SALT LAKE CITY, UTAH

NOVEMBER 26, 2024

Chemical and physical properties of the soil and the vegetation in the study area are summarized in Table 1.

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1 A. No. I was not present.

2 Q. Do you know whether AmeriMark Group held  
3 annual general meetings in each of the last, say,  
4 five years?

5 A. No, I would not.

6 Q. Same question for AmeriMark Automotive, same  
7 answer?

8                   A.     Same answer.

9                   MR. RICHARDS: We've gone for a while. Are you  
10                  ready for a break?

11 MR. WORDEN: All right.

12 THE WITNESS: Yes. I think my voice can do with  
13 tea.

14 (Recess taken from 11:53 a.m. to 12:11 p.m.)

15 MR. WORDEN: I was served earlier this morning  
16 with a summons on a third-party Complaint against  
17 AmeriMark Group AG or A-G. Mr. Fasser Heeg and I are  
18 not legally authorized to accept service on behalf of  
19 AmeriMark Group AG or A-G. Thank you.

20 MR. RICHARDS: And I'll just state for the record  
21 that we dispute that. That will be delivered today.

22 MR. WORDEN: That's all right.

23 MR. RICHARDS: Welcome back, Mr. Fasser. I would  
24 like to mark D-85.

25 (Exhibit D-85 marked.)

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1 STATE OF UTAH )  
2 COUNTY OF SALT LAKE ) ss.  
 )

3 REPORTER'S CERTIFICATE

4 I, Amanda Richards, certified shorthand reporter  
5 for the State of Utah, certify:

6 That the deposition of the witness herein was  
7 taken before me at the time and place herein set forth,  
8 at which time the witness was by me duly sworn to  
9 testify the truth; that the testimony of the witness  
10 and all objections made and all proceedings had of  
11 record at the time of the examination were  
12 stenographically reported and transcribed by me.

13 That the foregoing transcript, as transcribed by  
14 me, is a full, true and correct record of my  
15 stenographic notes so taken; that review of the  
16 transcript by the witness was requested pursuant to  
17 Rule 30(e) of the Utah Rules of Civil Procedure.

18 I further certify that I am neither counsel for  
19 nor related to any party to said action, nor in anywise  
20 interested in the outcome thereof.

21 IN WITNESS WHEREOF, I have subscribed my name  
22 below this 5th day of December 2024.

23 Amanda Richards

24  
25 Amanda Richards, CSR